

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TRUSTEES OF THE CONSTRUCTION  
INDUSTRY AND LABORERS HEALTH  
AND WELFARE TRUST; TRUSTEES  
OF THE CONSTRUCTION INDUSTRY  
AND LABORERS JOINT PENSION  
TRUST; TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS VACATION TRUST; and  
TRUSTEES OF THE SOUTHERN  
NEVADA LABORERS LOCAL 872  
TRAINING TRUST,

Plaintiffs,

v.

X-TREME X-CAVATION, INC., a  
Nevada corporation; DWAYNE  
FINLAYSON, an individual; and  
BERKLEY REGIONAL INSURANCE  
COMPANY,

Defendants.

AND ALL RELATED CLAIMS.

Case No. 2:08-cv-1228-HDM-LRL

ORDER GRANTING

**NOTICE OF VOLUNTARY DISMISSAL;  
ORDER**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs, the Trustees of the Construction Industry and Laborers Health and Welfare Trust, the Trustees of the Construction Industry and Laborers Joint Pension Trust, the Trustees of the Construction Industry and Laborers Vacation Trust and the Trustees of the Southern Nevada Laborers Local 872 Training Trust (collectively "Trust Funds"), having received payment of the interplead bond funds, and X-Treme X-Cavation, Inc. ("X-Treme") having filed bankruptcy, hereby request all claims by and

1 against the Trust Funds be dismissed. The Trust Funds take no position regarding the third-party  
2 claims or crossclaims of the other parties.

3  
4 Dated: January 6, 2011.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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6 By: /s/ Adam P. Segal

Adam P. Segal, Esq.

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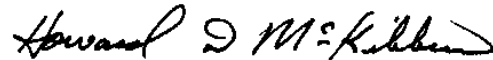
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10 Attorneys for Plaintiffs

11  
12 **ORDER**

13 **IT IS SO ORDERED.**

14 

15 **UNITED STATES DISTRICT COURT JUDGE**

16  
17 **Dated:** January 24, 2011

18 **Case No. 2:08-cv-1228-HDM-LRL**